

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DIMET, S.A. DE C.V. and §
JOSE LUIS LEYVA, §
Plaintiffs, §
§
vs. § C.A. No. 4:23-cv-00601
§
CONSOLIDATED SHIP REPAIR & §
MARINE FABRICATION, LLC; §
HYDRA SUBSEA, LLC; and §
HENDERSON AUCTIONS §
Defendants. §

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1331, 1332, 1333, 1441, and 1446, and without waiving any rights, privileges, or defenses they may have, Defendants Consolidated Ship Repair & Marine Fabrication, LLC and Hydra Subsea, LLC (collectively, “Defendants”) remove the above-styled civil action to this Court. In support, Defendants show as follows:

**A.
INTRODUCTION**

1. On January 25, 2023, Plaintiffs Dimet, S.A. de C.V. and Jose Luis Leyva (collectively, “Plaintiffs”) filed their Original Petition and Application for Temporary Restraining Order against Defendants and Henderson Auctions in the 240th District Court of Fort Bend County, Texas.

2. In accordance with 28 U.S.C. §1446 and the Local Rules of the United States District Court for the Southern District of Texas, Houston Division, a copy of the

Plaintiff's Petition, together with all other executed process, pleadings, orders¹ and the docket sheet are attached hereto as **Exhibit A** and incorporated by reference for all purposes.

2. Defendants file this Notice of Removal within the 30-day time period set forth in 28 U.S.C. §1446(b).

B.
BASIS FOR REMOVAL

3. This case is removable pursuant to 28 U.S.C. §1441 because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.00. *See* 28 U.S.C. §1332(a)(1) and 28 U.S.C. §1441(b). Additionally, Plaintiff Jose Luis Leyva and Defendant Consolidated Ship Repair & Marine Fabrication, LLC entered into an Access and Handling Agreement expressly governed by the General Maritime Law of the United States as a maritime contract. As a result, this Court has admiralty jurisdiction over this matter as well. *See* 28 U.S.C. §1333.

4. Venue is proper in the Houston Division of the Southern District of Texas as it embraces Fort Bend County, Texas, the place where the action is pending.

5. All conditions and procedures for removal have been satisfied, including those set forth in 28 U.S.C. §1446 and the Local Rules of the United States District Court for the Southern District of Texas. A list of counsel of record and an index of matters being filed are attached hereto as **Exhibit B** and **Exhibit C** and incorporated by reference for all purposes. Pursuant to 28 U.S.C. §1446(d), Defendants are simultaneously filing a true and

¹ A hearing was held on February 13, 2023 on Plaintiff's application for temporary restraining order, but no order has been entered as of the date of this removal as required by TEX. R. CIV. P. 683. The Plaintiffs' application is defective regardless as no affidavit was attached to Plaintiffs' application as required by TEX. R. CIV. P. 682.

correct copy of this Notice of Removal with the Clerk of the 240th District Court of Fort Bend County, Texas. A copy of the Notice is attached hereto as **Exhibit D** and incorporated by reference for all purposes.

**C.
CONCLUSION**

For the foregoing reasons, and in conformance with the requirements set forth in 28 U.S.C. §1446(d) and the Local Rules of the United States District Court for the Southern District of Texas, Defendants Consolidated Ship Repair & Marine Fabrication, LLC and Hydra Subsea, LLC, remove this action from the 240th District Court of Fort Bend County, Texas to this Court on this 20th day of February, 2023.

Dated: February 20, 2023.

Respectfully submitted,

/s/ Justin W. R. Renshaw
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*Attorney for Defendants,
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Fabrication, LLC and
Hydra Subsea, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 2023, a true and correct copy of the forgoing was served upon the following counsel of record in accordance with the Federal Rules of Civil Procedure.

Via Email: service@sanmiguel.law

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/s/ Justin W. R. Renshaw _____

Justin W. R. Renshaw